

DEMOCRACY DIALOGUE



Technical Notes From USAID's Global Center for Democracy and Governance ♦ November 1998

The 50th Anniversary...

of the Universal Declaration of Human Rights on December 10th is not only a time to reflect on progress made in the last half century. It is also a time to rededicate ourselves to a goal that still looms far in the distance—human rights for all. This issue of *Democracy Dialogue* describes USAID's work with organizations striving to secure basic rights and fundamental freedoms.

USAID's Connection

Since 1961, USAID has been an active presence among the poor in developing communities worldwide.

Among the first present after an earthquake and, increasingly, after catastrophes of human design, USAID immunizes children, builds bridges, and feeds and clothes the destitute. All of these programs are aimed at critical goals outlined in the Universal Declaration. Today, priority is also given to supporting democratic transitions, promoting rule of law, fighting corruption, and advocating human rights.

Since 1991, USAID has spent over \$120 million on human rights activities, narrowly defined. But this figure does not capture the portion of USAID's budget that supports human rights in the broader sense of furthering human dignity.

The Universal Declaration of Human Rights: A Foundation for Democratic Development

The emergence of human rights as an international principle governing the conduct of nations is one of the most important moral and legal developments of the postwar era. Before human rights were codified in the U.N. Charter, international law did not recognize a state's treatment of its citizens as a matter of valid legal or political concern. That has changed. Now, whether countries protect the basic rights of their citizens—or fail to—is a matter that other countries can monitor and seek to improve.

To commemorate the 50th anniversary of the Universal Declaration of Human Rights, it is essential for all people, particularly those working to improve the daily living conditions of people in developing countries, to reflect on the very simple truth of what is meant by "international human rights." Article One of the Universal Declaration states that: "All human beings are born free and equal in dignity and rights...without distinction...such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Striving to preserve and protect that dignity defines much of what USAID does.

Protecting and fostering human rights informs each aspect of democratic development. Building democracies based on open, accountable, and freely elected governments, with a pluralistic civil society grounded in transparent and fair rule of law, is the surest path to sustainable development. As World Bank President James D. Wolfensohn said last month, "If we do not have greater equity and social justice there will be no political stability, and without political stability no amount of money put together in financial packages will give us financial stability."

In this issue of *Democracy Dialogue*, an article by Craig Baab (see p. 2) highlights USAID's programming to foster the whole range of human rights, from those aimed at political stability and free speech to those advanced by feeding children, training workers, and educating women entrepreneurs. A successful human rights program sponsored by USAID/Peru is examined in detail (see p. 4). Professor Thomas Buergenthal, the only U.S. representative on the U.N. Human Rights Committee, is interviewed on the significance of the Universal Declaration of Human Rights (see p. 7). Other resources are listed on the back page.

As the development arm of the U.S. government, USAID assists nongovernmental organizations (NGOs), private voluntary organizations (PVOs), businesses, churches, and other governments to achieve the rights enumerated in the Universal Declaration. Among various mechanisms encouraging this participatory approach are two new Global Rule of Law and Human Rights Cooperative Agreements soon to be announced by USAID's Center for Democracy and Governance. These tools permit a rapid USAID response to human rights emergencies, as well as efforts to sustain longer term needs (see p. 2). □

New Center Agreements

On December 10, the Center for Democracy and Governance will formally announce two new Global Rule of Law and Human Rights Cooperative Agreements which will significantly expand USAID's ability to promote human rights and the rule of law. Two consortia of U.S. NGOs lead the effort: the RIGHTS Consortium, including Freedom House, the American Bar Association's Central and Eastern European Law Initiative, and the National Democratic Institute for International Affairs; and the IFES/Law Group Consortium, comprising the International Foundation for Election Systems and the International Human Rights Law Group.

Two innovative aspects of the new agreements will make them particularly user friendly, streamlining the procurement process and allowing timely interventions: 1) Each of the two consortia will receive a "leadership" grant for five years. Individual USAID missions can tap into that grant by awarding either consortium an "associate" grant consistent with programs envisioned in the leadership grant; and 2) The mechanism allows for a "Rapid Response" capability. Through the leadership grant, each group will have funds to respond in a matter of days to unanticipated challenges and opportunities.

More information is available through the Center. Please direct your inquiry to Aleksandra Braginski, ROL Team, Center for Democracy and Governance: abraginski@usaid.gov.

Human Rights: The Cornerstone of USAID

by Craig H. Baab, USAID Advisor on International Human Rights

The mission of USAID to foster long-term development is premised on functioning laws and democratic institutions. But USAID's work with NGOs and governments worldwide is guided not so much by laws as by the principles articulated in the Universal Declaration of Human Rights. Examples of selected USAID programs to advance human rights are reviewed in the following article.

International human rights are most clearly defined in the thirty articles of the Universal Declaration of Human Rights. That declaration is not a binding treaty, yet its words convey as much power as any law. It is also the foundation for provisions in new constitutions and treaties implementing its provisions.

USAID's Center for Democracy and Governance is a focal point for USAID's programming in the field of democratic development. Whether in concert with USAID field missions, USAID regional bureaus, human rights groups, the U.N., or other donors, this work is organized into four functional areas reflecting the broad sweep of the Agency's commitment to democracy and human rights: rule of law, civil society, governance, and elections and political processes.

Rule of Law

Among the most cherished rights are those of equal protection under the law, liberty, an independent tribunal to protect that liberty, the presumption of innocence, a public trial, and the absence of arbitrary arrest. Establishing and protecting these rights is essential for democratic institutions and for an environment in which free market economic activity is possible.

For example, in the Dominican Republic, support was provided to strengthen NGO advocacy for more open selection of Supreme Court justices to assure their competence and independence. In Rwanda, with a backlog of over 120,000 genocide detainees, USAID is helping to train prosecutors, educate new lawyers, and publicize the meaning of equal protection of law.

Civil Society

The rights of assembly, free association, and free expression often are the rights first attacked by non-democratic regimes. Thus, USAID programming is critical to assist political opposition to exist, to organize, and to be heard. A current example is assistance in Indonesia to support a broad range of NGOs and other citizen groups building popular support for democratic reforms.

In Romania, with USAID assistance, some 450 NGOs helped pass a new "Sponsorship Law" which enacted tax concessions for contributions to human rights and other non-profit groups.

Governance

The ultimate goal of many civil society actors is to prompt the development of democratic and publicly accountable government institutions. Only governments can fully protect human rights; open and accessible institutions are their vehicle for realizing citizens' rights. Monitoring levels of government openness and accountability often provides useful measures of the degree to which a government violates citizens' rights.

Corruption is a barrier to good government. USAID is assisting NGOs in Bul-

garia to fight corruption, and has funded local public integrity workshops and freedom of information laws in Ukraine. Substantial expenditures in Russia have focused on teaching judicial ethics, working on financial disclosure, and reforming government procurement methods.

Elections and Political Processes

The freedom to take part in one's government, either directly or through elected representatives, is a basic political right. It is also the means by which a person can verify that the government passes laws to protect and further rights and, in turn, implements those laws. Programming to support a culture of political participation is essential to assuring the legitimacy of the political process.

For instance, USAID's support for voter education efforts in Bangladesh helped ensure the largest voter turnout in that country's history. Seventy-four percent of the eligible population voted in the last election, compared with 55 percent five years earlier. Through indigenous nongovernmental organizations, voter education programs reached 50 percent of the population, exceeding the target of 25 percent.

But Aren't There Other Rights?

In addition to specific democracy promotion, there is a whole range of activities customarily associated with USAID. These fall under the categories of economic development, environment and natural resources, education, population, health and nutrition, and emergency humanitarian assistance. These vital sectors represent the bulk of USAID's portfolio. The Universal Declaration reminds us of many other rights that most of us simply take for granted.

Our Food for Peace program and the expansive efforts to improve health worldwide address the human need for health, food, clothing, housing, and medical care. Our education initiatives, whether directed toward women learning to run their own micro-enterprise or former child soldiers learning to become farmers, actively encourage the need for education.

Environmental programs in USAID strive to build upon community-based natural resource management and are premised on the sustainable economic opportunity afforded by sound land management. Such work with NGOs and other community groups in the Philippines, for instance, helped to manage valuable forest and coral reef resources for long-term benefit.

Women and Children

Often, a single office will bring focus to a number of human rights issues. The Office of Women in Development is currently undertaking a significant anti-trafficking initiative in Ukraine and other countries. Trafficking in women and girls is a serious health, economic, law enforcement, and human rights problem. USAID has new initiatives to help provide legal assistance, health care, and counseling to victims.

The Universal Declaration's admonition that, "motherhood and childhood are entitled to special care and assistance," is reflected in all of USAID's vital interventions with maternal and child health and nutrition programs. Many USAID efforts around the world train healthcare workers in breastfeeding and child spacing approaches, thereby resulting in fewer birth complications and improved well-baby care and immunization.

These initiatives, indeed all of USAID's efforts, provide the foundation for what may be the most decisive component in any nation's hope for long term democratic and economic development—a new generation of healthy, educated, and free people. □

The Universal Declaration of Human Rights

A Summary:

[Note: Full text of UDHR is available at <http://www.unhchr.ch>]

- Art. 1** All humans are free and equal in dignity.
- Art. 2** Freedom from discrimination based on race, color, sex, language, religion, opinion, origin, property, birth, or residency.
- Art. 3** Right to life, liberty, and security.
- Art. 4** Freedom from slavery.
- Art. 5** Freedom from torture.
- Art. 6** Right to recognition as a person before the law.
- Art. 7** Right to equal protection of the law.
- Art. 8** Right to effective remedy by competent tribunal.
- Art. 9** Freedom from arbitrary arrest.
- Art. 10** Right to fair public hearing by independent tribunal.
- Art. 11** Right to presumption of innocence until proven guilty at public trial.
- Art. 12** Right to privacy in home, family, and correspondence.
- Art. 13** Right to leave a country and to return to one's country.
- Art. 14** Right to political asylum in other countries.
- Art. 15** Right to nationality.

continued in box on p. 7

In Their Own Words...

"I was uncomfortable at the beginning, but as the workshop continued I lost my fear. I liked the variety of people at the workshop. There were people from other institutions, other languages. It was interesting to be with Quechua people. We could exchange experiences."

A single Aymara woman, with an elementary school education, from a small southern border town

"The workshop was a novelty. It made us participate directly, form our own concepts. I could see the common people, see that they understood what democracy is. It made us become more sensitive to others."

A sociologist who is an urban teacher in a secondary school

"Before I went to training courses to listen, as an observer. In the IPEDEHP course the experience was totally different. We danced, we learned playing games, we sang. I met people of such high quality at the course: mayors and "regidores." We spoke about the country's problems and we came up with solutions. When I see that there are others that are concerned I have hope that our country can change."

A young man, formerly a child laborer, who works in a "comedor" for child laborers

"You Have Rights: Know Them, Promote Them, Defend Them"

A USAID-Sponsored Program in Peru

by Marcia Bernbaum

USAID/Peru has funded the Peruvian Institute for Education in Human Rights and Peace (IPEDEHP) since 1996. A recent evaluation of the program concluded it was one of the most successful programs of its kind. Participants continue using information and material from the human rights training two years after direct involvement with the program. A cross-section of thousands of Peruvians have benefitted. Inventive, useful program materials explain concepts covered by the Universal Declaration of Human Rights in accessible language.

Violence rocked Peru between 1980 and 1994. Terrorists (the Shining Path, Tupac Amaru), narco-traffickers, and the Peruvian military's response left 25,000 people dead and thousands imprisoned under suspicion of being terrorists. Over 6,000 people disappeared; thousands of families were displaced. At the same time, the Peruvian economy suffered a drastic decline.

Most affected by the economic decline and violence were Peru's poor—individuals from the highlands and the jungles as well as those living in marginal areas of Lima, Peru's capital. These individuals, many with little formal education, did not know what their rights were, how to defend them, or where to go when their rights were violated.

In 1985, civil society organizations began to fight the effects of violence. The Peruvian Institute for Education in Human Rights and Peace (IPEDEHP) was created by a group of educators and, together with a coalition of over 50 other nongovernmental organizations (NGOs), formed the National Coordinator for Human Rights (La Coordinadora Nacional de Derechos Humanos).

For its first ten years, IPEDEHP focused on teachers, particularly those affected by the violence. To date, IPEDEHP has trained over 13,000 teachers (10 percent of the teaching population) in human rights and democracy. It also established a cadre of 250 human rights promoters who have trained thousands more.

USAID'S Response

USAID/Peru and IPEDEHP entered into a formal—and extremely productive—relationship in 1996 when the Agency awarded IPEDEHP an initial grant of \$76,000 to train community leaders throughout Peru in human rights, democracy, and citizen participation. (Subsequently, IPEDEHP received \$324,000 from USAID.) According to Jeff Borns, former director of USAID/Peru's democracy office, "A major part of our strategy in democracy dealt with getting people to participate. A subset of this strategy was getting people better prepared to exercise and protect their rights."

"The political situation in 1996 was such that we felt there were opportunities to try to get at least some communication between the Peruvian government and human rights groups, something which would not have been possible in earlier years when violence was at its peak because human rights organizations were suspected by many in the government of being sympathetic to the terrorists," Borns continued.

One thing that attracted us to IPEDEHP was that, in addition to doing excellent human rights training, IPEDEHP is very effective at networking with other organization,” Borns said.

Community Leaders Trained

The course developed by IPEDEHP, “*You Have Rights: Know Them, Promote Them, Defend Them*,” builds on more than 10 years of experience designing and delivering similar training to teachers. Over three days, participants are introduced to basic concepts of human rights, democracy, citizen participation, and interactive training methodologies which they take back to their communities to replicate. Before the course ends, participants develop training plans describing how they will use their new knowledge and skills to benefit others.

While IPEDEHP takes the lead in training, two partners—the National Coordinator for Human Rights, and the Office of the Human Rights Ombudsman, established by the 1993 Constitution but activated in 1996—have played a key role by sending representatives to each course in order to motivate participants, familiarize them with services provided by NGOs and the state, and encourage them to tap these services in the future. The Ombudsman’s involvement has been critical in forging new relationships between this new government entity and established human rights NGOs.

To date, nearly 900 community leaders from 11 departments (there are 24 in all) of Peru—including regions in the mountains, the jungle, and the coast—have participated in the program.

Results have exceeded everyone’s expectations. Community leaders are extremely enthusiastic about the course. The majority return to their communities deeply committed to putting into effect what they have learned. Over the past two years, these leaders have: trained thousands of additional Peruvians in human rights, democracy, and citizen participation; organized and participated in radio and television programs promoting human rights; and organized and carried out countless human rights and democracy marches and campaigns. In communities where there was no place for people to go when their rights were violated, community leaders trained by IPEDEHP have established human rights committees. A number are in the process of establishing shelters for abused women and children.

Several features of IPEDEHP’s training program make it stand out as an extremely effective program worth replicating outside Peru:

- **Programs integrate education and action.** Course materials touch on the core values of dignity, respect, equality, tolerance, and self-esteem as they apply to the daily lives of course participants. The emphasis on fundamental values creates a strong commitment.
- **Training is highly interactive.** Learning takes place through action. Participants are constantly involved in group dynamics. They play human rights and democracy games. There are role-plays and songs and small group discussions. There is hardly a moment during the three day course when participants are sitting listening to the trainers give them a lecture.
- **All learning is closely linked to the participants daily lives.** While attending the course, participants acquire knowledge of human rights and democracy by sharing their own experiences. Participants are encouraged to share their hopes and fears. Given that many of the participants have themselves been victims of violence, having an opportunity to express and work through their feelings in an accepting atmosphere is fundamental.
- **A key strength is the heterogeneity of course participants.** Interactive methodologies (games, role-playing) permit highly educated people to learn from, and gain respect for, community leaders with less than a primary education.



Key Findings

Training Applications:

- ♦ Commitment to applying what is learned does not diminish over time.
- ♦ Many leaders (some full-time volunteers) put in long hours implementing aspects of the course including training others, using media to reach a broader audience, and initiating local human rights campaigns.
- ♦ In small communities, where there is no place for people to go when their rights are violated, community leaders enter to fill the gap (creating Human Rights Committees, DEMUNAS) using information from the training course.
- ♦ The first thing most leaders did once home was to play the games with their families and involve them directly in the concepts of human rights.

Impact on People:

- ♦ Community leaders' status increased as they trained others and helped them defend their rights.
- ♦ An increase in tolerance and self-esteem especially among female participants.
- ♦ Increased communication, tolerance, and understanding toward family members. Decrease in domestic physical violence.
- ♦ Equally powerful impact on people trained by community leaders in a local setting.

- **Everyone gets something out of the training course.** Some acquire, for the first time, knowledge of what their rights are and what democracy is. For others, the course provides an opportunity to update existing understanding. Everybody acquires skills in applying interactive training methodologies which make them more effective multipliers when they return to their communities.
- **The course involves more than just a one-shot training experience.** Long before the course is delivered in a given area of the country, IPEDH enters into an agreement with counterpart organizations at the community level (most are members of the National Coordinator on Human Rights) to identify leaders and motivate them to replicate what they have learned after the training. Representatives of the counterpart organizations attend the IPEDH training course with the community leaders and, in collaboration with IPEDH, provide follow-up assistance to the leaders once they return to their communities.
- **Community leaders leave with a practical and easy-to-use tool kit of materials to guide the application of what they learned in the course once they return to their communities.** This tool kit consists of: human rights and democracy games; an easy to use methodological guide; a summary of the principles underlying the training methodology used; and a set of easy to read guidelines on specific rights including what the Universal Declaration of Human Rights, the Peruvian Constitution, and other Peruvian laws have to say about these rights, and what should be done when rights are violated.

Assessing the Results

USAID/Peru recently provided partial financing for a field study to assess the impact of this program on the 900 community leaders, their families, and the individuals they influenced upon returning home. Twenty community leaders participated in the study along with some 80 family members and individual community members.

The field study confirmed that the participants learned a great deal from the training and that, upon returning to their communities, they applied what they learned with great enthusiasm. It also showed that, after two years, course graduates were still enthusiastically applying what they had learned in the course.

However, what the study showed that neither USAID nor IPEDH was aware of was the tremendous impact of the program on the leaders themselves and their families, and the fact that when they trained others, the results were equally powerful. There is clearly a link between personal impact and the ongoing commitment to educate others, long after the course is over.

Importance of Networks

Key to IPEDH's success is the effort it puts into developing and nurturing networks. Not long after it was established in 1985, IPEDH took a leading role in establishing a Human Rights Education Network in Peru and in training members of the network in its methodologies. Today, the Peruvian Human Rights Network is still going strong both at the regional and national level. IPEDH has also forged networks of teachers who serve as human rights promoters and is in the process of stimulating a network among graduates of its training courses.

Robert Putnam, author of *Making Democracy Work* and Francis Fukuyama, author of *Trust*, would be pleased to see this program in action because what IPEDH consciously does is precisely what both advocate as being the key element underlying strong democracies: building trust networks. □

Marcia Bernbaum is a psychologist and retired USAID senior foreign service officer who specializes in applied research and evaluation, strategic planning, and organizational development. Her evaluation of USAID/Peru's program will be available in English and Spanish in February 1999. Electronic copies can be obtained via E-mail: ipedhp@amauta.rcp.net.pe.

UDHR: “A Modern Magna Carta”

Democracy Dialogue interviewed Professor Thomas Buergenthal, who has served since 1994 as the first, and only, U.S. citizen elected to the U.N. Committee on Human Rights. One of the youngest Holocaust survivors, he currently teaches at The George Washington University Law Center.

Q: When the Universal Declaration of Human Rights was drafted, between 1945 and 1948, did the authors set out to write a visionary document?

A: Not exactly. One needs to put it in the context of the times. In San Francisco, in 1945, when the U.N. Charter was being drafted, a number of smaller states wanted to add a bill of rights which didn't go over well with some larger countries. Eventually, the decision was made to draft a nonbinding, supposedly non-binding, declaration which would be a declaration of aspirations. Over the years, this declaration has captured the imagination of mankind. It has evolved into a document which, people believe, states what their rights are. Gradually, it has acquired a tremendous moral status and a certain normative legal character.

Q: What do you mean when you say it is “supposedly nonbinding”?

A: When it was adopted, it was adopted in the form of a U.N. General Assembly resolution and these resolutions are not binding. But gradually it has acquired normative status as a sort of interpretive document underpinning what the U.N. Charter means when it refers, in articles 55 and 56, to the human rights which member states are obligated to promote. The Universal Declaration is today seen as a document which defines the human rights of which the U.N. Charter speaks. It is also viewed as an instrument that has acquired the status of customary international law. Today, it is very difficult for a state to say, “We don't think we have an obligation to comply with the Universal Declaration.” That's politically unacceptable. So whether it is legal or not is not that important anymore.

Q: What are some of the real world accomplishments of the UDHR?

A: For example, there is a procedure in the U.N. for dealing with large scale violations of human rights. It is not established under any treaty, but is based directly on the obligations outlined in the U.N. Charter. But the only way to determine what constitutes a violation of human rights is to use the Universal Declaration as the standard. That is accepted and no one disputes it. The Universal Declaration has really ushered in a human rights revolution.

Q: In the last 25 years the world has experienced three genocides: in Cambodia, the former Yugoslavia, and in Rwanda. Is this proof that the world still doesn't understand what human rights mean?

A: Well, I wonder, if we did not have these international human rights activities, would we have had *more* genocides? We are much more conscious of these problems than we were 50 years ago.

Q: How does U.S. foreign assistance relate to the Universal Declaration?

A: The development assistance USAID provided over the years addressed economic needs which we now recognize as being extremely important. In human rights, we now need to focus on the nitty gritty of how systems operate, from criminal justice to administrative justice, as well as corruption, which is a terrible problem for the enforcement of human rights. That's an important focus for the future.

Q: Will this document remain relevant?

A: If we get to the year 2500, this document will be seen as having the status of the U.S. Bill of Rights, the Declaration of Independence, and the French Declaration of the Rights of Man and the Citizen. It is a modern Magna Carta. □

The Universal Declaration

(continued from box on p. 3)

- Art. 16** Right to marriage and family and to equal rights of men and women during and after marriage.
- Art. 17** Right to own property.
- Art. 18** Freedom of thought, conscience, and religion.
- Art. 19** Freedom of opinion and expression and to seek, receive, and impart information.
- Art. 20** Freedom of non-compulsive association and assembly.
- Art. 21** Right to take part in government and to equal access to public service.
- Art. 22** Right to social security.
- Art. 23** Right to work, to equal pay for equal work, and to form and join trade unions.
- Art. 24** Right to reasonable hours of work and paid holidays.
- Art. 25** Right to adequate living standard for self and family, including food, housing, clothing, medical care, and social security.
- Art. 26** Right to education.
- Art. 27** Right to participate in cultural life and to protect intellectual property rights.
- Art. 28** Right to social and international order permitting these freedoms to be realized.
- Art. 29** Each person has responsibilities to the community and others as essential for a democratic society.
- Art. 30** No state or person may use this Declaration to destroy the rights set forth in this Declaration.

Human Rights Resource List

American Association for the
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Democracy Dialogue is
published by USAID's
Center for Democracy
and Governance, which is
part of the Bureau for
Global Programs, Field
Support, and Research.



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Production: Research & Reference
Services Project/Academy for
Educational Development
under contract to USAID.

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"...promoting the transition to and consolidation of democratic regimes throughout the world."

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